



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

GEORGIA M. PESTANA
Acting Corporation Counsel

MORGAN C. MCKINNEY
Assistant Corporation Counsel
Phone: (212) 356-2012
mmckinne@law.nyc.gov

June 10, 2021

BY E.C.F.

Honorable John G. Koeltl
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

ADJOURNED TO MONDAY,
SEPTEMBER 13, 2021, AT 12:00PM,
SO ORDERED.
6/10/21 [Signature] S O O

Re: Norman Jenkins, et al., v. City of New York, et al.
21 CV 3722 (JGK)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney for defendant City of New York. Defendant City writes to respectfully request an adjournment of the Initial Conference presently scheduled for June 23, 2021, at 3:30 p.m. (See Civil Docket Entry filed May 10, 2021). This is defendant's first request for an adjournment of the Initial Conference and plaintiff's counsel, Jarrett Adams, consents to this adjournment.

Plaintiff alleges in his complaint that he was falsely arrested and subjected to excessive force and an unlawful search, by members of the New York City Police Department on or about January 29, 2020. (See Civil Docket No. 3, filed April 28, 2021). Plaintiff also brings a claim of Municipal Liability pursuant 42 U.S.C. § 1983 against Defendant City. (*Id.*) Upon review of the docket in this matter, it appears that, on May 10, 2021, the Court issued an order setting an Initial Conference for June 23, 2021, at 3:30 p.m.

Defendant requests an adjournment of the Initial Conference because the instant matter is designated as part of the Southern District of New York's Plan for Section 1983 Cases against the City of New York, or its agents, under Local Civil Rule 83.10 (hereinafter "LCR 83.10"). (See Civil Docket Entry filed May 3, 2021). Accordingly, the City was served with plaintiff's Complaint and § 160.50 Release on May 11, 2021; therefore, under the plain language of LCR 83.10(3), the City's answer is not due in this matter until July 30, 2021 and Initial Disclosures in this matter are not due until August 20, 2021.

As the Court is aware, once an answer is filed, pursuant to LCR 83.10, the parties must engage in limited discovery and mediation in an attempt at early resolution of the case. Pursuant to LCR 83.10(8), the mediation trigger date in this case is October 30, 2021. Accordingly, Defendant City respectfully submits that the Initial Conference should be adjourned until sometime after the parties have had an opportunity to fully participate in the Section 1983 Plan, as the case may ultimately settle before an Initial Conference is even necessary (as contemplated by the Plan).

In light of the foregoing, Defendant City respectfully requests that the June 23, 2021 Initial Conference be adjourned until sometime after the parties have participated in limited discovery and mediation under LCR 83.10.

Defendant City thanks the Court for its consideration of this request.

Respectfully submitted,

Morgan C. McKinney, Esq.
Morgan C. McKinney, Esq.
Assistant Corporation Counsel
Special Federal Litigation Division

cc: VIA ECF
Angela Perkins, Esq.
Jarrett Adams, Esq.
Attorneys for Plaintiff